

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA

In the matter of:) Chapter 13 Case
)
GERALD LEE GRIFFIN) Number 15-40531-EJC
Debtor(s))

AMENDED CHAPTER 13 PLAN AND MOTION

[General Order 2005-3 Approved Form]

1. Debtor(s) shall pay to the Trustee the sum of \$200.00/per month for two (2) or the applicable commitment period of:

☐ [] for 60 months; or

☒ [X] a minimum of 36 months. § 1325(b)(4).

(If applicable include the following): These plan payments change to \$900.00 monthly on June 15, 2015.

2. From the payments so received, the Trustee shall make disbursements as follows:

(a) The Trustee percentage fee as set by the United States Trustee.

(b) Attorney fees allowed pursuant to § 507(a)(2) of \$3,000.00 to be paid in accordance with applicable General Orders of this Court.

(c) Other § 507 claims, unless provided for otherwise in the plan will be paid in full over the life of the plan as funds become available in the order specified by law.

(d) ☒ Monthly payments according to the contract on the following long-term debts. § 1322(b)(5). (payments which become due after the filing of the petition but before the month of the first payment designated here will be added to the pre-petition arrearage claim):

| <u>CREDITOR</u> | <u>MONTH OF FIRST TRUSTEE PAYMENT</u> | <u>INITIAL MONTHLY PAYMENT</u> |
|-----------------|---------------------------------------|--------------------------------|
|-----------------|---------------------------------------|--------------------------------|

NONE

IN THE ALTERNATIVE:

☒ Debtor will make post-petition payments direct to creditor according to the contract on the following long-term debts:

| <u>CREDITOR</u> | <u>INITIAL MONTHLY PAYMENT</u> |
|-----------------|--------------------------------|
| Seterus | \$494.26 |

(e) Fully Secured Allowed Claims and Executory Contracts as set forth below:

| <u>CREDITOR</u> | <u>COLLATERAL</u> | <u>ESTIMATED CLAIM</u> | <u>INTEREST RATE</u> | <u>MONTHLY PAYMENT</u> |
|--------------------------|---------------------|------------------------|----------------------|--|
| Southeast Toyota Finance | 2013 Toyota Tundra | \$26,383.41 | 5.25% | \$75for 2 months then \$525.00 for remainder of plan |
| Southeast Toyota Finance | 2013 Toyota Corolla | \$18,100.00 | 5.25% | \$75.00 for 2 months then \$325.00 for remainder of plan |

(f) Undersecured Allowed Claims. Debtor moves to value the collateral partially securing the following claims pursuant to § 506 and provide payment in satisfaction of those claims as set forth below:

| <u>CREDITOR</u> | <u>COLLATERAL</u> | <u>VALUATION</u> | <u>INTEREST RATE</u> | <u>MONTHLY PAYMENT</u> |
|-----------------|-------------------|------------------|----------------------|------------------------|
| NONE | | | | |

(g) Cure payments on allowed prepetition arrearage claims set forth below. § 1322(b)(5):

| <u>CREDITOR</u> | <u>ESTIMATED PREPETITION CLAIM</u> |
|-----------------|------------------------------------|
| Seterus | \$1,000.00 |

(h) The following unsecured allowed claims are classified to be paid at 100% ☒ with interest at _____ %; ☐ without interest.

(i) Allowed general unsecured claims, including the unsecured portion of any bifurcated claims provided for in § 2(f) or 6, will be paid a 1.00% dividend or a prorata share of \$100.00, whichever is greater.

3. Debtor will make § 1326(a)(1) pre-confirmation lease and adequate protection payments on allowed claims of the following creditors:

Direct to the Creditor; or

XX To the Trustee

| <u>CREDITOR</u> | <u>ADEQUATE PROTECTION OR LEASE PAYMENT AMOUNT</u> |
|--------------------------|--|
| Southeast Toyota Finance | \$75.00/month for 2 months then \$525.00/month for remainder of Plan |
| Southeast Toyota Finance | \$75.00/month for 2 months then \$325.00/month for remainder of Plan |

4. Debtor will pay all post-petition domestic support obligations direct to the holder of such claim identified here. § 101(14A). Debtor requests Trustee to provide the statutory notice of § 1302(d) to these claimants.

| <u>CREDITOR</u> | <u>ADDRESS</u> |
|-----------------|----------------|
| none | |

5. Pursuant to 11 U.S.C. § 522(f), debtor moves to avoid the liens of the following creditors, upon confirmation but subject to § 349, with respect to the property described below:

| <u>CREDITOR</u> | <u>-PROPERTY</u> |
|-------------------|--|
| Suntrust Mortgage | 2331 Larkin Avenue, Savannah, GA 31404; a/k/a Lots 40 & 41, Hester Ward, Highland Terrace, Chatham County, Georgia |

6. The following collateral is surrendered to the creditor to satisfy the secured claim to the extent shown below:

| <u>CREDITOR</u> | <u>DESCRIPTION OF COLLATERAL</u> | <u>AMOUNT OF CLAIM SATISFIED</u> | <u>TIME PERIOD TO FILE DEFICIENCY</u> |
|-----------------|----------------------------------|----------------------------------|---------------------------------------|
|-----------------|----------------------------------|----------------------------------|---------------------------------------|

NONE

7. Holders of allowed secured claims shall retain the liens securing said claims to the full extent provided by § 1325(a)(5).

8. Other provisions: Debtor commits any non-exempt equity in real and personal property to unsecured creditors.

Debtor agrees to increase plan payment, if necessary, to comply with 11 U.S.C. 1325 and 1328. Any fees, expenses and charges asserted under Fed. R. Bankr. P. 3002.1(c) are not to be funded through the Chapter 13 Plan. Debtor will pay these post-petition expenses directly to the servicer or mortgagee unless the Court has disallowed them on a Motion filed under Fed. R. Bankr.P.3002.(e).

9. The amount, and secured or unsecured status, of claims disclosed in this Plan are based upon debtor's best estimate and belief.

An allowed proof of claim will supercede those estimated claims. Objections to claims may be filed before or after confirmation.

Debtor will increase payments in the amount necessary to fund allowed claims as this Plan proposes, after notice from the Trustee and a hearing if necessary, unless a Plan Modification is approved.

Dated 5-5-2015



Debtor

Revised 10/2005

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA**


| | | |
|--------------------|---|-----------------------|
| In the matter of |) | |
| |) | CHAPTER 13 |
| GERALD LEE GRIFFIN |) | |
| |) | CASE NO. 15-40531-EJC |
| Debtor |) | |

CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing Amended Chapter 13 Plan and Motion by depositing a copy of the same in the United States Mail with adequate postage affixed thereon and addressed to:

O. Byron Meredith, III, Esq.
Chapter 13 Trustee
Post Office Box 10556
Savannah, GA 31412

This 5th day of May, 2015.



Bonzo C. Reddick
Attorney for Debtor

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Savannah, Georgia 31402
(912)233-3922